

Minutes  
**Workers' Compensation Advisory Council**  
November 13, 2007  
10:00 am, Great Northern Hotel, Helena

**Advisory Council members present:** Lt. Governor John Bohlinger, Bill Dahlgren, Annette Hoffman, Don Judge, Jason Miller, Danny Lee, Doug Buman, Bob Worthington, Riley Johnson, Connie Welsh, Jerry Keck

**Project team members present:** Diana Ferriter, Wade Wilkison, Jeanne Johns, Dave Elenbaas, Anne Wolfinger, Tyler Wiltgen, Sharon Peterson, Connie Ferriter, Mari Kindberg, Debbie Blossom, Keith Messmer

**Others present:** Marvin Jordan, MCCF; Gary Lusin, PT; Katherine Swindle, City of Helena; Chuck Paske, Work Wright; Mike Marsh, Midland Claims Service; Kris Wilkinson, LFD; Chris Holling, Dennis Jupka, Wendy Sesselman, Emelia McEwen, MACo; Larry Jones, Liberty Northwest; Bridget McGregor, Nancy Butler, Carl Kochman, Lawrence Hubbard, Montana State Fund; Glenn Wright, Corvel; Lance Zanto, Department of Administration; Pat Murdo, Legislative Services; Bonnie Lyytinen-Hale, HRC, Inc.; Tim Fitzpatrick, MTSBA; Georgeanne Paul, Broadspire; Christine Almeida, Medtronic

### **I. Welcoming & Opening Remarks**

Lt. Governor John Bohlinger opened the meeting by thanking those in attendance for coming. He had members of the Advisory Council and the audience introduce themselves.

### **II. Approval of Agenda/Minutes**

The agenda was approved. The minutes of the September 19, 2007 meeting were approved.

### **III. Preventing Needless Disability**

Jerry Keck introduced Dr. Jennifer Christian, president and Chief Medical Officer, Webility Corporation. Dr. Christian gave a presentation on a New Paradigm in Workers' Compensation. The focus of her presentation was that most work disability is not medically required and is harmful to the injured worker, the employer and the economy. She introduced the American College of Occupational and Environmental Medicine's (ACOEM) new work disability prevention guideline, *Preventing Needless Work Disability by Helping People Stay Employed*, and promoted holding state "summits" as a way to implement the guideline recommendations.

### **IV. Mini-60Summits Discussion Groups**

Dr. Christian then led an exercise simulating an actual state summit meeting. The Council members and the audience broke into four different groups to discuss six different recommendations from the guidelines and a fifth group to discuss questions about other uses for the ACOEM guidelines document. Dr. Christian asked each group to address whether they agreed with the recommendation that was assigned. If not, how the group would solve the problem a different way? If the group agreed to the recommendation, she asked the group to develop a strategy to implement the recommendation(s) that was assigned and to identify a concrete first step towards meeting the goal and finally decide what each group will do starting tomorrow.

Lt. Governor Bohlinger then asked Marvin Jordan (MCCF) and Gary Lusin, PT, to describe the programs that they have developed in their businesses to enhance the return-to-work/stay-at-work process. Marvin Jordan stated that he would commit MCCF to being involved in the 60Summits and would bring Dr. Christian in to work with MCCF members. Doug Buman asked if labor members could be invited to participate in the MCCF work with Dr. Christian.

Gary Lusin explained that he has been treating patients in his practice for 26 years. He believes that in the system now everything that is done at the tail end of the case should be put on the front end instead. He tries to ensure that all stakeholders are part of the communication process on the claim. He believes in early intervention and asks the claims examiner to get him the job description up front. He works up a functional job analysis for the physician's use. He separates out the limitations and focuses on the worker's abilities and how to get them back to work through communication with the physician, injured worker and the employer.

## **V. Updates:**

Return-to-work subcommittees: Diana Ferriter explained that the Return to Work subgroup work had been postponed until the Council had heard Dr. Christian. She asked what direction the Council now wanted the subgroup's to pursue. Annette Hoffman recommended that the summits be pursued first and then pursue the subgroup work if needed, the exception being that the research and data collection should continue. Diana assured the group that Department staff was working on that.

Bob Worthington moved and Don Judge seconded a recommendation to have the Department reach out to stakeholders and begin the process of putting together the Summit and to report plans to the Council meeting in January

Exemptions Subcommittee: Riley Johnson reported that the Exemptions Subcommittee consisting of himself, Danny Lee, Bob Worthington, Jerry Keck and Diana Ferriter had met and decided that they did not want to tackle the legislature regarding the current exemptions. The group would like to draft a written request to the Legislature to do an exposure analysis to address the liability and secondary effect of any future proposed exemption. The group also recommended training be part of the statewide safety initiative to make employers aware of the liability and exposure they may face if they have workers who fall under the exemptions. The group also asked the Department to address the issues in newsletters and in any introductory training that is done for new legislators.

Claims Examiner Licensing: Diana explained that a meeting was held at the Governor's Conference, but no agreement for licensing or continuing education was reached. Mike Marsh has submitted a recommendation to the Council for mandatory licensing that was shared with all of the Council members. Mike Marsh presented a summary of his proposals to the Council.

Medical Committee: Keith Messmer reported that an administrative rule hearing had occurred regarding the nonfacility medical fee schedule on September 28<sup>th</sup>. Comments were received from two individuals and minor amendments were made to the rules and they were subsequently adopted. The fee schedule will go into place on January 1, 2008. The committee has now started working with Ingenix on the facility fee schedule with the plan to have it in place by July 1, 2008. Meetings to get input from members of the Montana Hospital Association and Ambulatory Surgery Center Association have been proposed for January in conjunction with the Advisory Council meeting. Advisory Council members will be invited to attend. The committee is also working on the evaluation of utilization and treatment standards.

Safety Initiative: Chris Catlett reported that the project manager position has been advertised and should be hired within a month. As soon as that position is filled, a safety position will be filled.

WCRI Research Conference: Tyler Wiltgen reported that he and Wade Wilkison had attended the WCRI Conference in Boston. The papers that were presented were all on research in progress on policy impacts and outcomes so there were no handouts available. As the research is finalized the information will be shared with the Council.

Survey Project: Tyler reported that the injured worker survey has been shared with the Council members for their suggestions. Don Judge suggested that the survey be placed on the web for comments with an November 19 deadline for suggestions.

## **VIII. Public Comment**

There was no additional public comment.

## **VIII. Next Steps**

60Summits follow-up	Core Team	January 8, 2008
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## **IX. Next Meeting**

Tuesday, January 8, 2008, time and location to be determined.